

STATE OF MICHIGAN  
COURT OF APPEALS

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GWENDOLYN PITTMAN,

Plaintiff-Appellant,

v

EDNA MAY GRIFFIN,

Defendant-Appellee.

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UNPUBLISHED

March 27, 2007

No. 272913

Wayne Circuit Court

LC No. 05-514519-NI

Before: Zahra, P.J. and Bandstra and Owens, JJ.

PER CURIAM.

In this action to recover noneconomic damages from a third party under the no-fault act, plaintiff appeals as of right from a circuit court order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(10) and MCR 2.116(I)(2). Plaintiff challenges the trial court's determination as a matter of law that the permanent damage to the pinky finger of her dominant hand did not result in a serious impairment of body function or permanent serious disfigurement. MCL 500.3135(1). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

This Court reviews de novo the trial court's order granting or denying summary disposition. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999).

To recover non-economic damages under the no-fault act, plaintiff must show "an objectively manifested impairment of an important body function that affects the person's general ability to lead his or her normal life." MCL 500.3135(7); *Kreiner v Fischer*, 471 Mich 109, 132; 683 NW2d 611 (2004).

The trial court correctly determined that plaintiff's injury, which resulted in a 25 percent loss of grip strength, did not affect plaintiff's general ability to live her normal life. She missed approximately one month of work, on an intermittent basis. Although she is unable to engage in her weekly bowling, which was her primary hobby, she is generally able to lead her normal life. "A negative effect on a particular aspect of an injured person's life is not sufficient in itself to meet the tort threshold, as long as the injured person is still generally able to lead [her] normal life." *Kreiner, supra*, p 137.

We do not agree with plaintiff that the facts of this case are comparable to those in *Williams v Medukas*, 266 Mich App 505; 702 NW2d 667 (2005). In *Williams*, the plaintiff

suffered a month-long period of severe impairment, missed more work, and the impact on his recreational activities and their importance was more extensive. This case is also distinguishable from *Moore v Creguer*, 266 Mich App 515; 702 NW2d 648 (2005), in which the plaintiff's vision loss affected every aspect of her life. Here, the submitted evidence did not show that a 25 percent loss of grip strength in one hand similarly affects every aspect of plaintiff's life.

Plaintiff also contends that the trial court erred in determining that the deformity of her finger did not constitute "permanent serious disfigurement," which is an alternative basis for a plaintiff to recover noneconomic damages under the no-fault act. MCL 500.3135(1).

Photographs show that the portion of plaintiff's pinky finger between the top (distal) joint and the tip of her finger is tipped in a downward direction. The independent medical examiner described this as a "30° droop at the DIP." We agree with the trial court that the disfigurement was not serious and that "a casual observer or a person interacting with Plaintiff during the course of her activities would probably be unable to notice the disfigurement."

Affirmed.

/s/ Brian K. Zahra  
/s/ Richard A. Bandstra  
/s/ Donald S. Owens